

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LEWIS NICHOLS,

Plaintiff,

v.

UNITED STATES SMALL BUSINESS
ADMINISTRATION,

Defendant.

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1:20-CV-1194-RP

Consolidated with:

1:21-cv-91-RP

ORDER

Before the Court is Defendant United States Small Business Administration’s (“SBA”) Motion to Consolidate Cases (the “Motion”). (Dkt. 4). In that Motion, the SBA requests that this Court consolidate this case with *Ronnie J. Canada v. SBA*, 1:21-cv-91-RP. (*Id.* at 1). The two cases share the same defendant, SBA. (*Id.*). The two cases also involve the same or overlapping central facts. (*Id.*). Both cases involve the same SBA loan guaranteed by a business’s two managing partners—Lewis Nichols (“Nichols”) and Ronnie J. Canada (“Canada”). (*Id.*). Nichols and Canada separately filed lawsuits challenging the outstanding balance of the loan. (*Id.*; Compl., Dkt. 1; 1:21-cv-91-RP, Compl., Dkt. 1). Counsel for Nichols and Canada do not oppose consolidation. (*Id.* at 3).

Federal Rule of Civil Procedure 42(a) permits a district court to consolidate “actions before the court involv[ing] a common question of law or fact.” District courts have broad discretion in determining whether to consolidate cases. *See Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761–62 (5th Cir. 1989). Consolidation is proper when it will avoid unnecessary costs or delay without prejudicing the rights of the parties. *See id.*; *St. Bernard Gen. Hosp., Inc. v. Hosp. Serv. Ass’n of New Orleans, Inc.*, 712 F.2d 978, 989 (5th Cir. 1983).

Having considered the SBA's motion, the commonalities between both cases, Nichols and Canada's lack of opposition, and the interests of judicial economy, the Court will grant the SBA's Motion.

Accordingly, **IT IS ORDERED** that the SBA's Motion to Consolidate Cases, (Dkt. 4), is **GRANTED**. This action is **CONSOLIDATED** into Cause No. 1:21-cv-91-RP, which will be the lead case.

SIGNED on February 8, 2021.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE